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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

NINA RENEE DUNN, PT  
1969 Ascot Drive #B  
Moraga, California 94556

Physical Therapist License No. PT 9655

Respondent.

Case No. 1D-2006-64865

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Accusation and Petition to Revoke Probation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about February 6, 1980, the Physical Therapy Board of California issued Physical Therapist License Number PT 9655 to Nina Renee Dunn (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2008, unless renewed. On or about June 9, 2006, Respondent license was revoked, with revocation stayed for a period of five (5) years during which time Respondent was placed on probation.

## JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapy assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapy assistant.

6. Section 2239 of the Code provides, in relevant part, that any felony involving the use or consumption of alcohol constitutes unprofessional conduct.

7. Section 2305 of the Code provides, in relevant part, that revocation, suspension, or other discipline imposed by another state upon the license to practice medicine

1 issued by that state that would be grounds for discipline in California of a licensee under this  
2 chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the  
3 licensee in this state.

4           8.       Section 141 of the Code provides, in relevant part, that disciplinary action  
5 taken in another state for any act substantially related to the practice regulated by the California  
6 license may be a ground for a disciplinary action.

7           9.       Section 2661.5 of the Code states:

8                   (a) In any order issued in resolution of a disciplinary proceeding before  
9 the board, the board may request the administrative law judge to direct any  
10 licensee found guilty of unprofessional conduct to pay to the board a sum not to  
11 exceed the actual and reasonable costs of the investigation and prosecution of the  
12 case.

13                   (b) The costs to be assessed shall be fixed by the administrative law judge  
14 and shall not in any event be increased by the board. When the board does not  
15 adopt a proposed decision and remands the case to an administrative law judge,  
16 the administrative law judge shall not increase the amount of the assessed costs  
17 specified in the proposed decision.

18                   (c) When the payment directed in an order for payment of costs is not  
19 made by the licensee, the board may enforce the order of payment by bringing an  
20 action in any appropriate court. This right of enforcement shall be in addition to  
21 any other rights the board may have as to any licensee directed to pay costs.

22                   (d) In any judicial action for the recovery of costs, proof of the board's  
23 decision shall be conclusive proof of the validity of the order of payment and the  
24 terms for payment.

25                   (e) (1) Except as provided in paragraph (2), the board shall not renew or  
26 reinstate the license or approval of any person who has failed to pay all of the  
27 costs ordered under this section.

28                   (2) Notwithstanding paragraph (1), the board may, in its discretion,

1 conditionally renew or reinstate for a maximum of one year the license or  
2 approval of any person who demonstrates financial hardship and who enters into a  
3 formal agreement with the board to reimburse the board within that one year  
4 period for those unpaid costs.

5 (f) All costs recovered under this section shall be deposited in the  
6 Physical Therapy Fund as a reimbursement in either the fiscal year in which the  
7 costs are actually recovered or the previous fiscal year, as the board may direct.

8 **FIRST CAUSE FOR DISCIPLINE**

(Conviction of a Felony)

9 [Bus. & Prof. Code §§ 2660(i), 2239 and 2660(d)]

10 10. Respondent is subject to disciplinary action under sections 2660(i), 2239  
11 and 2660(d) of the Code in that on or about August 23, 2005, Respondent suffered a felony  
12 conviction for driving under the influence of alcohol with two prior convictions for driving under  
13 the influence in violation of Nevada Revised Statutes sections 484.379(1)(a) and 484.379(1)(b)  
14 in the Ninth Judicial District Court of the State of Nevada, Douglas County, Case Number 05-  
15 CR-0100. Respondent pled guilty and was sentenced to a maximum term of twenty-eight (28)  
16 months imprisonment with a minimum parole eligibility of twelve (12) months and ordered to  
17 pay a fine.

18 11. The underlying circumstances of this conviction were that on April 12,  
19 2005, Respondent was observed by a Douglas County, Nevada Sheriff Deputy driving a vehicle  
20 at a high rate of speed. The deputy stopped and arrested Respondent. Respondent gave a blood  
21 sample that revealed that she had been driving with a blood alcohol concentration of .29.

22 **SECOND CAUSE FOR DISCIPLINE**

(Out-of-State Discipline)

23 [Bus. & Prof. Code §§ 2660(i), 2305 and 141]

24 12. Respondent is subject to disciplinary action under sections 2660(i), 2305  
25 and 141 of the Code in that on or about November 30, 2006, the State of Nevada Board of  
26 Physical Therapy Examiners revoked Respondent's license to practice physical therapy in an  
27 action entitled *In the Matter of Nina Renee Dunn*, Case No. 2006-28.

13. The State of Nevada's revocation was based upon Respondent's failure to disclose that the State of California had taken disciplinary action against her license to practice physical therapy, her failure to disclose that she had suffered two misdemeanor driving under the influence convictions and for the two misdemeanor driving under the influence convictions.

**FIRST CAUSE FOR REVOCATION OF PROBATION**  
(Failure to Obey All Laws)

14. At all times after June 9, 2006, the effective date of Respondent's probation, Condition 1 stated:

“Ms. Dunn shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, physical therapy in California and remain in full compliance with any court ordered probation.”

15. On or about November 30, 2006, the State of Nevada Board of Physical Therapy Examiners revoked Respondent's license to practice physical therapy in an action entitled *In the Matter of Nina Renee Dunn*, Case No. 2006-28.

16. The State of Nevada's revocation was based upon Respondent's failure to disclose that the State of California had taken disciplinary action against her license to practice physical therapy, her failure to disclose that she had suffered two misdemeanor driving under the influence convictions and for the two misdemeanor driving under the influence convictions.

17. The State of Nevada's revocation of Respondent's license to practice physical therapy constitutes violations of sections 2660(i), 2305 and 141 of the Code. These violations also constitute violation of Respondent's Probation Condition 1 by failing to obey all laws.

## DISCIPLINE CONSIDERATIONS

18. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about June 9, 2006, in a prior disciplinary action entitled *In the Matter of the Accusation Against Nina Renee Dunn* before the Physical Therapy Board, Department of Consumer Affairs, in Case Number 1D-2004-63790, Respondent's license was revoked, with revocation stayed for a period of five (5) years during which time Respondent was placed on probation when the Board proved all of the allegations in the aforementioned

1 matter. The Accusation alleged three Causes of Discipline: the First Cause for Discipline  
2 alleged a conviction of a misdemeanor driving under the influence of alcohol in violation of  
3 Business and Professions Code section 2660(d); the Second Cause for Discipline alleged a  
4 second conviction of a misdemeanor driving under the influence of alcohol in violation of  
5 Business and Professions Code section 2660(d); and the Third Cause for Discipline alleged that  
6 the two misdemeanor convictions for driving under the influence of alcohol crime constituted a  
7 violation of Business and Professions Code sections 2660(i) and 2239.

8 At the hearing on the above entitled matter, neither Respondent nor her counsel made the  
9 Administrative Law Judge aware that she was, at the time, incarcerated in a Nevada prison on her  
10 third driving under the influence conviction.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
14 decision:

15 1. Revoking or suspending Physical Therapist License Number PT 9655,  
16 issued to Nina Renee Dunn, PT;

17 2. Ordering Nina Renee Dunn to pay the Physical Therapy Board the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 2661.3;

20 3. Revoking the probation that was granted by the Physical Therapy Board in  
21 Case Number 1D-2004-63790 and imposing the disciplinary order that was stayed, thereby  
22 revoking Physical Therapist License Number PT 9655, issued to Nina Renee Dunn, PT;

23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: March 15, 2007

25  
26 Original Signed By:  
27 STEVEN K. HARTZELL  
28 Executive Officer  
Physical Therapy Board  
Department of Consumer Affairs  
State of California, Complainant